

Assembly Joint Resolution

No. 30

Introduced by Assembly Member Stone
(Coauthors: Assembly Members Ammiano, Atkins, Fong, Rendon,
and Williams)
(Coauthor: Senator Pavley)

August 6, 2013

Assembly Joint Resolution No. 30—Relative to the federal Chemical Safety Improvement Act.

LEGISLATIVE COUNSEL’S DIGEST

AJR 30, as introduced, Stone. Federal Chemical Safety Improvement Act.

This measure would memorialize the Congress and the President of the United States to respect the rights of states to protect the health of their citizens, including children and pregnant women, and to not enact the federal Chemical Safety Improvement Act in its current form containing provisions that provide for the preemption of a state’s authority to protect the public from toxic chemicals.

Fiscal committee: no.

- 1 WHEREAS, California has historically acted in advance of the
- 2 federal government to protect its citizens, including vulnerable
- 3 subpopulations such as children and pregnant women, against the
- 4 harms of exposure to toxic substances in consumer products
- 5 through strong environmental laws and regulations, which have
- 6 also driven innovation in the development of safer products; and
- 7 WHEREAS, California voters overwhelmingly approved
- 8 Proposition 65, which added the Safe Drinking Water and Toxic

1 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section
2 25249.5) of Division 20 of the Health and Safety Code), to decrease
3 California’s exposure to toxic substances known to cause cancer,
4 birth defects, or other reproductive harm by requiring labeling of
5 consumer products containing these toxic substances; and

6 WHEREAS, The Legislature enacted Article 14 (commencing
7 with Section 25251) of Chapter 6.5 of Division 20 of the Health
8 and Safety Code, which is otherwise known as the Green Chemistry
9 program, in 2008, to identify and prioritize chemicals of concern
10 and evaluate safer alternatives to toxic chemicals through a
11 science-based approach; and

12 WHEREAS, The State Air Resources Board adopted regulations,
13 beginning in 1991 and continuing as recently as 2013 (see, for
14 example, Section 94509 of Title 17 of the California Code of
15 Regulations), to reduce the volatile organic compounds emissions
16 from consumer products because these compounds produce ozone
17 and particulate matter that exacerbates respiratory diseases such
18 as asthma; and

19 WHEREAS, The current version of the federal Chemical Safety
20 Improvement Act (Sen. No. 1009) has broad preemption provisions
21 that prevent states from acting to address potential risks of toxic
22 substances and from exercising state enforcement powers that put
23 at risk several California programs that protect public health,
24 including those listed above, among others; now, therefore, be it

25 *Resolved by the Assembly and the Senate of the State of*
26 *California, jointly,* That the Legislature memorializes the Congress
27 and the President of the United States to respect the rights of states
28 to protect the health of their citizens, including children and
29 pregnant women, and to not enact the federal Chemical Safety
30 Improvement Act (Sen. No. 1009) in its current form containing
31 provisions that provide for the preemption of a state’s authority to
32 protect the public, including from toxic chemicals; and be it further

33 *Resolved,* That the Secretary of the Senate transmit copies of
34 this resolution to the President and Vice President of the United
35 States, to the Speaker of the House of Representatives, to the
36 Majority Leader of the Senate, to the authors of Senate Bill No.
37 1009, to each Senator and Representative from California in the

- 1 Congress of the United States, and to the author for appropriate
- 2 distribution.

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